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126.13 Requirements for Re-exports/Re-transfers under §123.9

Effective October 1, 2014, foreign persons requesting re-export/re-transfer of defense articles pursuant to §123.9(c) must provide a letter addressing the following:

- Whether the applicant or the chief executive officer, president, vice-presidents, secretary, partner, member, other senior officers or officials (e.g., comptroller, treasurer, general counsel) or any member of the board of directors is the subject of an indictment or has been otherwise charged, convicted of, violating any of the U.S. criminal statutes enumerated in §120.27 of ITAR; or is ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. Government;
- Whether, to the best of the applicant's knowledge, any party to the export as defined in §126.7(e) has been convicted of violating any of the U.S. criminal statutes enumerated in §120.27 of this subchapter, or is ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. government.

The foreign party signing the statement must be a responsible official empowered by the applicant. The statement must be signed by the foreign person making the re-export or re-transfer request.

Re-export and re-transfer requests submitted after September 30, 2014 that do not contain the 126.13 statement are subject to being returned without action.